

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	Criminal No. 03-10377-WGY
v.	)	
	)	VIOLATIONS:
ERIC LINO	)	
	)	21 U.S.C. § 846--
	)	Conspiracy to Distribute
	)	Cocaine
	)	
	)	21 U.S.C. §841(a)(1)--
	)	Distribution of Cocaine
	)	

SUPERSEDING INDICTMENT

COUNT ONE: (Title 21, United States Code, Section 846--  
Conspiracy to Distribute Cocaine)

The Grand Jury charges that:

From a time unknown to the Grand Jury, but at least by in or about June 2001, and continuing thereafter until at least June 2003, at Mashpee, Falmouth, and New Bedford, and elsewhere in the District of Massachusetts, and elsewhere,

**ERIC LINO**

defendant herein, did knowingly and intentionally combine, conspire, confederate, and agree with other persons, known and unknown to the Grand Jury, to possess with intent to distribute, and to distribute, cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The Grand Jury further charges that the conspiracy involved 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine. Accordingly, 21 U.S.C. § 841(b)(1)(A)(ii) is applicable to this count.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO:**        (21 U.S.C. § 841(a)(1)--Distribution Of Cocaine)

The Grand Jury further charges that:

On or about June 18, 2003, at Falmouth, in the District of Massachusetts,

**ERIC LINO**

defendant herein, did knowingly and intentionally distribute cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**FORFEITURE ALLEGATION**

**(21 U.S.C. § 853)**

The Grand Jury further charges that:

1. As a result of the narcotics offenses alleged in Counts One and Two of this Indictment,

**ERIC LINO**

defendant herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations including, but not limited to, the following:

- (a) a 2000 Cadillac Escalade, bearing Massachusetts Registration No. 19EK03, registered in the name of Gerard Senac;
- (b) one Yamaha Waverunner jet ski, #GP800X and GP80824030; and
- (c) one Yamaha Waverunner jet ski (with jet ski trailer, MA Reg. 900562), #GP1200X and GU00806444.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraphs 1 and 2.

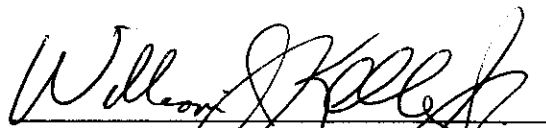
All in violation of Title 18, United States Code, Section 982, and Title 21, United States Code, Section 853.

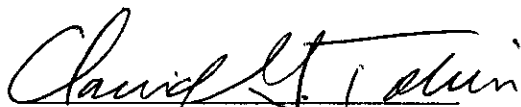
**NOTICE OF ADDITIONAL FACTORS**

The Grand Jury further charges that:

Defendant ERIC LINO is responsible for at least 5 kilograms but less than 15 kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, U.S.S.G. § 2D1.1(c)(4) is applicable to the defendant.

**A TRUE BILL**

  
FOREPERSON OF THE GRAND JURY

  
DAVID G. TOBIN  
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; OCTOBER 28, 2004.

Returned into the District Court by the Grand Jurors and  
filed.

  
DEPUTY CLERK

900  
10/28/04

JS 45 (5/97) - (Revised USAO MA 1/15/04)

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency DEACity Barnstable Related Case Information:County Barnstable Superseding Ind./ Inf. Yes Case No. 03-CR-10377- WGY  
Same Defendant yes New \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Eric Lino Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 300 Falmouth Road, Unit 16D, Mashpee, MABirth date (Year only): 1981 SSN (last 4 #): 3995 Sex M Race: Caucasian Nationality: USADefense Counsel if known: Barry Wilson Address: 240 Commercial Ave.  
Boston, MA 02109

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA David G. Tobin Bar Number if applicable 552558Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☒ Already in State Custody ☒ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: \_\_\_\_\_ Signature of AUSA: \_\_\_\_\_



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District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Eric Lino

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 846</u>	<u>Consp. To Poss. W/Int. &amp; Distribute Cocaine</u>	<u>1</u>
Set 2	<u>21 USC 841 (A)(1)</u>	<u>Distribution of Cocaine</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
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Set	_____	_____	_____

ADDITIONAL INFORMATION: \_\_\_\_\_